Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2001

WILLIAM FIORE
Petitioner,

vs.

UNITED STATES OF AMERICA
Respondent

On Petition for a Writ of Certiorari
United States Court of Appeals for the Third Circuit

PETITION FOR WRIT OF CERTIORARI

William Fiore
4871 Rolling Hills Road
Pittsburgh, PA 15236
(412) 882-4836

25pp

QUESTIONS PRESENTED FOR REVIEW

Whether the Court of Appeals rendered a decision in conflict with decisions of this Court and of other Courts of Appeals, when it denied the appeal of William Fiore, and in particular when it ruled:

When it ruled that William Fiore's rights were not violated by the criminal conduct and wrong doing of state and federal officials.

When it ruled that William Fiore's rights were not violated when the state and federal officials retaliated against him because of his involvement in constitutionally protected activity and in particular the right to own and operate a business.

When it ruled that William Fiore did not state a claim upon which relief can be granted.

When it ruled William Fiore did not have the constitutional right to due process.

When it ruled that William Fiore did not have the constitutional right to a hearing and trial.

When it ruled that William Fiore was subjected to liability under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9601-9675 to recover cost of the cleanup of a ten acre hazardous waste disposal facility in Elizabeth Township, Allegheny County, Pennsylvania.

When it ruled that William Fiore was not permitted to make counterclaims, under the Racketeer Influenced Corrupt Organizations Act, against 68 persons, including the President of the United States, the previous and current governors of the Commonwealth of Pennsylvania, the Attorney General of the United States, the Solicitor General of the United States, the Administrator of the Environmental Protection Agency, and a large number of other federal officials and private parties and business concerns.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Bethlehem Steel Corporation
Carnegie Natural Gas Company
Consolidated Coal Company
Conoco Inc.
Conoco Coal Development Company
Durasteel Abrasive Company
Fairchild Industries, Inc.
Municipal Authority of the City of McKeesport
Thomas A. Mekis & Sons, Inc.
City of Pittsburgh
Neville Chemical Company
USX Corporation
Wheeling-Pittsburgh Steel Corporation
Sixty-Eight individuals named in the Counterclaim of William Fiore filed under the Racketeer Influenced Corrupt Organizations Act, including the President of the United States, the previous and current governors of the Commonwealth of Pennsylvania, the Attorney General of the United States, the Solicitor General of the United States, the Administrator of the Environmental Protection Agency and a large number of other federal officials and private parties and business concerns.

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OPINIONS AND ORDERS BELOW

Denial of Sur Petition for Rehearing before the United States Court of Appeals for the Third Circuit appears below at Appendix 1A. The Third Circuit's Order denying the Appeal of Fiore appears at Appendix 3A. The Third Circuit's Opinion affirming the denial of the Appeal of Fiore appears at Appendix 3A.The Order entered by the United States District Court for the Western District of Pennsylvania appears at Appendix 7A.

JURISDICTIONAL STATEMENT

The final judgment for the United States Court of Appeals for the Third Circuit was issued on July 7, 2000. The Sur Petition for Rehearing before the United States Court of Appeals for the Third Circuit was denied on August 22, 2000. The jurisdiction of the Supreme Court of the United States is invoked pursuant to Article III of the Federal Constitution of the United States and under 28 U.S.C. §1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

Petitioner claims violations of the Fifth, Seventh and Fourteenth Amendments to the United States Constitution.

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private

property be taken for public use, without just compensation." (Amendment V).

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." (Amendment VII.)

"All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Amendment XIV.)

STATEMENT OF THE CASE

In October 1995, the United States brought this action pursuant to Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9601-9675, to recover cost of the clean-up of a ten acre hazardous waste disposal facility in Elizabeth Township, Allegheny County, Pennsylvania. William Fiore, the owner of the site, was named as a defendant. William Fiore took the opportunity to make counterclaims, under the Racketeer Influenced Corrupt Organizations Act, against 68 persons, including the President of the United States, the previous and current governors of the Commonwealth, the Attorney General of the united States, the Solicitor General of the United States, the Administrator of the Environmental Protection Agency, the United States Attorney, and a large number of other federal officials and private parties and business concerns.

Discovery was initiated. Many parties to the litigation participated in the discovery process.

Various motions and pleadings were filed. However, there was never a hearing held or trial. William Fiore demanded his day in Court. He demanded an opportunity to present evidence in support of his claims. William Fiore was denied due process and the opportunity to be heard.

On October 26, 1999 the United States District Court for the Western District of Pennsylvania entered an Order closing the case.

On November 15, 1999 William Fiore filed a Notice of Appeal to the United States Court of Appeals for the Third Circuit.

The case was presented to a panel of Judges on Monday, July 3, 2000. Shortly thereafter the appeal was denied.

William Fiore filed a Petition for Panel Rehearing and Rehearing En Banc. Said request was denied.

It is that denial that William Fiore now puts before this Honorable Court.

REASONS FOR GRANTING THE WRIT

This Court must accept as true the clear, factual allegations of the complaint of William Fiore. Cruz v. Beto, 405 U.S. 319, 322, 92 S.Ct. 1079 (1972); Hughes v. Rowe, 449 U.S. 5, 101 S.Ct. 173 (1980); 3PLM 91 (April 1981) and Jamieson v. Robinson, 641 F.2d 138, 141 (3d Cir. 1981). A complaint should not be dismissed or case closed, unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claims which would entitle him to

relief. Conley v. Gibson, 355 U.S. 41, 78 S.Ct. 99 (1957) and Scheuer v. Rhodes, 416 U.S. 232, 236, 94 S.Ct. 1683 (1974).

In the case at hand, William Fiore has submitted ample evidence to support a conspiracy to violate his rights. Furthermore, by the loss of his businesses, he met the injury/damage standard. In the case at hand, William Fiore never had a hearing or trial. He was never given the opportunity to be heard. He was denied due process of law. The issue here is not whether William Fiore will ultimately prevail but whether he is entitled to offer evidence to support his claims. Indeed it may appear on the face of the pleadings that a recovery is very remote and unlikely but that is not the test.

Amendment V of the United States Constitution states, "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived or life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Amendment XIV Section 1 of the United States Constitution states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

William Fiore submits that the Order entered October 26, 1999 to close the case because there are no unresolved claims for the Court to consider was inappropriate at this stage of the litigation and accordingly request that the judgment be reversed and the case remanded for further proceedings. Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2 80 (1957); Scheuer v. Rhodes, 94 S.Ct. 1683 (1974) and Gardner v. Toilet Goods Assn., 387 U.S. 167, 172, 87 S.Ct. 1526, 1529, 18 L.Ed.2d 704 (1967).

To mark this case closed is inappropriate because there are many material facts in dispute. Furthermore, Mr. Fiore was denied due process in that he was never given the opportunity to be heard, in that there was no hearing or trial. There are many unresolved claims for the Court to consider. The clean up recovery costs of $144,349.94 are unwarranted. Moreover, Mr. Fiore was never given the opportunity to refute the costs or the calculation of the recoverable expenses. Mr. Fiore was not given the opportunity to go to Court and challenge the amount of oversite cost. In accordance with the Clean Stream Law when a Consent Decree is entered there is no over site cost. The government has been over paid. The demand of $144,349.94 amounts to blatant extortion by a government agency. The cost assessment was unreasonable.

Mr. Fiore has stated a claim upon which relief can be granted and should be permitted to move forward. Mr. Fiore is entitled to his day in Court and a trial.

In the case at hand the petitioner was denied due process. As this Court well knows, due process is defined as, "All rights which are of such fundamental importance as to require compliance with due process standards of fairness and justice. Procedural and substantive rights of citizens against government actions that threaten the denial of life, liberty, or property."

Due process of law is law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A courts of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings and validity, there must be a tribunal competent by its constitution - that is, by the law of its creation - to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the party, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. In other words the petitioner is entitled to be heard. Pennoyer v. Neff, 95 U.S. 733, 24 L.Ed 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in it most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or law (just like the case at hand), or liability be conclusively presumed against him, this is not due process of law. William Fiore has a right according to due process of law, to an orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case. Kazubowski, 45 Ill.2d 405, 259 N.E.2d 282, 290. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a

hearing. Petti v. Penn, Ls. App. 180 So. 2d 66, 69. The concept of "due process of law" as it is embodied in Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. In the case at hand, William Fiore was denied due process of law. U.S. v. Smith, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of "due process" is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. Trinity Episcopal Corp. v. Romney, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else, "due process" means fundamental fairness and substantial justice. Vaughn v. State, 3 Tenn. Crim. App. 54, 456 S.W.2d 879, 883.

In the case at hand, William Fiore was denied due process of law. He was never given the right to be heard. He was never given a hearing or a trial. Justice requires due process of law. Justice requires that this case be remanded.

The decision rendered conflicts with decisions of this Court. Accordingly, this case is important for the issues as to the proper allocation of functions between the federal district courts and federal courts of appeals. This Court has consistently recognized that "(t)he proper observance of the division of functions between federal appellate court is important in every case," especially in cases where the district Court has been asked to issue an effective remedy to cure unconstitutional conditions, such as the subject matter of this litigation.

The order of the Court, that is the subject matter of this litigation was contrary to the general principles which this Court enuniciated governing the equitable powers of district courts to fashion remedies for constitutional viola-

tions and raise important questions about the proper function of appellate courts.

William Fiore stated a claim upon which relief can be granted. The test for reviewing a complaint, is whether, under any reasonable reading of the pleadings, the petitioner may be entitled to relief. Holder v. City of Allentown, 987 F.2d 188, 193, 194 (3d Cir. 1993). When reviewing the complaint, the Court must accept as true the factual allegations in the complaint, D.R. v. Middle Bucks Area Vocational Technical Sch., 972 F.2d 1364, 1367 (3d Cir. 1992), cert. denied, 506 U.S. 1079 (1993) , as well as all "reasonable inferences" to be drawn from these allegations. Holder, 987 F.2d at 193-94; and Carter v. City of Philadelphia, 989 F.2d 117, 118 (3d Cir. 1993).

A district Court may only grant summary judgment when there are no issues of material fact existing in the lawsuit and if viewing the facts in the light most favorable to the non-moving party, the applicant for summary judgment is entitled to judgment as a matter of law. See Wisniewske v. Johns-Manville Corp., 812 F.2d 81, 84 (3 Cir. 1987). All ambiguities and conflicts must be resolved in favor of the nonmoving party and all doubts as to the existence of a genuine material issue for trial should be resolved against the moving party. Celotex Corp. v. Catrett, 477 U.S. 317, 330 (1986).

Genuine issues of material fact exist if the record taken as a whole could lead a rational trier of fact to find for the party resisting summary judgment. See Matshshita Elec. Indus. Co. v. Zenth Radio Corp., 475 U.s. 574, 587 (1986). More specifically, if the fact finder could reasonably find that government officials conspired with private parties to violate William Fiore' 5 constitutional rights, summary judgment him is unwarranted. See Smith v. Masher, 899 F.2d 940, 949 (10th Cir. 1990).

If the party opposing summary judgment produces evidence of a material fact, the Court is not suppose to assess the credibility of that evidence or weight against the evidence any conflicting evidence presented by the moving party. T.W. Elec. Service v. Pacific Elec. Contractors, 809 F.2d 626, 631 (9th Cir. 1987). When a party moves for summary judgment, "the judge must ask himself not whether a fair-minded jury could return a verdict for the plaintiff on the evidence presented". Anderson v. Liberty Lobby, 477 U.S. 242, 252 (1986) (emphasis added) "Credibility determinations, the weighting of the evidence, and the drawing of legitimate inferences from the facts are jury functions not those of a judge" when assessing a motion for summary judgment. Id at 255. The party resisting summary judgment need not show that a jury will inevitably return a verdict in his favor but only that there is a sufficient amount of evidence to allow a rational jury to decide in his favor. See: Harris v. Fleming, 839 F.2d at 1232, 1238 (7th Cir. 1988). William Fiore wants his day in Court. He wants due process of law.

CONCLUSION

For the reasons set forth above, Petitioner respectfully requests this Honorable Court to grant this Petition for Writ of Certirari.

Respectfully submitted,

William Fiore

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APPENDIX

APPENDIX

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THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 99-3975

THE UNITED STATES OF AMERICA

v.

AMERICAN RECOVERY COMPANY; BETHLEHEM STEEL CORPORATION; CARNEGIE NATURAL GAS COMPANY; CONSOLIDATED COAL COMPANY; CONOCO, INC.; CONOCO COAL DEVELOPMENT COMPANY; DURASTEEL ABRASIVE COMPANY; FAIRCHILD INDUSTRIES, INC.; WILLIAM FIORE; WILLIAM FIORE, d/b/a MUNICIPAL AND INDUSTRIAL DISPOSAL COMPANY; MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT; THOMAS A. MEKIS & SONS, INC., CITY OF PITTSBURGH; NEVILLE CHEMICAL COMPANY; USX CORPORATION; WHEELING-PITTSBURGH STEEL CORPORATION

William Fiore, Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civ. No. 95-cv-01590P)

SUR PETITION FOR REHEARING

BEFORE: BECKER, Chief Judge,
SLOVITER, MANSMANN, SCIRICA, NYGAARD,
ALITO, ROTH, MCKEE, RENDELL, BARRY, AIMBRO,
FUENTES and GREENBERG[1], Circuit Judges

The Petition for rehearing filed the Appellant in the above-entitled matter, having been submitted to the judges who participated in the decision of this court and to all other available circuit judges in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges in regular active service not having voted for rehearing by this court en banc, the Petition for Rehearing is hereby DENIED.

It is so ordered.

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[1] Judge Greenburg's vote is limited to panel rehearing only.

By the Court,

_____/s/_____

United States Circuit Judge

Date: Aug 22 2000

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 99-3975

THE UNITED STATES OF AMERICA
v.
AMERICAN RECOVERY COMPANY; BETHLEHEM STEEL CORPORATION; CARNEGIE NATURAL GAS COMPANY; CONSOLIDATED COAL COMPANY; CONOCO, INC.; CONOCO COAL DEVELOPMENT COMPANY; DURASTEEL ABRASIVE COMPANY; FAIRCHILD INDUSTRIES, INC.; WILLIAM FIORE; WILLIAM FIORE, d/b/a MUNICIPAL AND INDUSTRIAL DISPOSAL COMPANY; MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT; THOMAS A. MEKIS & SONS, INC., CITY OF PITTSBURGH; NEVILLE CHEMICAL COMPANY; USX CORPORATION; WHEELING-PITTSBURGH STEEL CORPORATION

William Fiore, Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civ. No. 95-cv-01590P)
District Judge: Honorable Robert J. Cindrich

Submitted Under Third Circuit LAR 34.1(a)
July 3, 2000

BEFORE: GREENBERG, NYGARRD and BARRY,
CIRCUIT JUDGES

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a). On consideration whereof, it is now ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered October 28, 1999, be and the same is hereby AFFIRMED. Costs taxed against appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

_____/s/_____

Acting Clerk

DATE: July 27, 2000

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 99-3975

THE UNITED STATES OF AMERICA
v.
AMERICAN RECOVERY COMPANY; BETHLEHEM STEEL CORPORATION; CARNEGIE NATURAL GAS COMPANY; CONSOLIDATED COAL COMPANY; CONOCO, INC.; CONOCO COAL DEVELOPMENT COMPANY; DURASTEEL ABRASIVE COMPANY; FAIRCHILD INDUSTRIES, INC.; WILLIAM FIORE; WILLIAM FIORE, d/b/a MUNICIPAL AND INDUSTRIAL DISPOSAL COMPANY; MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT; THOMAS A. MEKIS & SONS, INC., CITY OF PITTSBURGH; NEVILLE CHEMICAL COMPANY; USX CORPORATION; WHEELING-PITTSBURGH STEEL CORPORATION

William Fiore, Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civ. No. 95-cv-01590P)
District Judge: Honorable Robert J. Cindrich

Submitted Under Third Circuit LAR 34.1(a)
July 3, 2000

BEFORE: GREENBERG, NYGARRD and BARRY,
CIRCUIT JUDGES

(Filed: July 6, 2000)

OPINION

PER CURIAM

William Fiore appeals pro se from the District Court's final judgment in this action brought by the United States to recover its response costs pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). For the reasons that follow, we will affirm.

The United States filed this action under 42 U.S.C. § 9607 seeking to recover the funds that it expended, and would expend, in response to the release of hazardous substances from a solid waste landfill owned and operated by William Fiore. Fiore answered the complaint, raised affirmative defenses, and asserted a counterclaim against 68 individuals, business, and government officials, alleging that they had conspired to put him out of business in violation of RICO. (Supplemental Appendix "AS" 185-196.)

On December 11, 1996, after a hearing, the District Court granted a motion to dismiss Fiore's counterclaim. On June 23, 1997, the District Court granted the government's motion for summary judgment as to Fiore's liability under CERCLA. The government then moved for summary judgment on the amount of its response costs. On July 22, 1998, the District Court granted that motion, ordering Fiore to reimburse the government in the amount of $144,349.99 plus any costs incurred between entry of its order and the final judgment in the case. The District Court also entered a declaratory judgment holding Fiore liable in future actions for costs incurred in connection with the site. On October

28, 1999, finding that there were no longer any unresolved claims pending as to any of the named defendants, the District Court ordered the case closed. Fiore timely filed this appeal, and he challenges on appeal the order that dismissed his counterclaim, and the subsequent order that granted summary judgment on the amount of the response costs.[1]

The District Court had subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 9613(b). We have jurisdiction pursuant to 28 U.S.C. § 1291. Our review of the District Court's grant of summary judgment is plenary, see, e.g., New Jersey Turnpike Auth. v. PPG Indus., 197 F.3d 96, 103 (3d Cir. 1999), as is our review of the decision to grant the motion to dismiss Fiore's counterclaim See, e.g., Freed v. Consolidated Rail Corp., 201 F.3d 188, 190-91 (3d Cir. 2000).

The District Court properly dismissed the counterclaim on the merits, for essentially the reasons set forth in the government's motion to dismiss. (SA. 197-221.) Fiore's main contention on appeal is that he was "denied due process" because he was not afforded a trial on his claim of a "massive conspiracy." (Informal Br. 7.) The record reflects that Fiore was served with the motion to dismiss, and in addition to having an opportunity to oppose the motion in writing, Fiore was afforded, and took advantage of, a full and fair opportunity to express his opposition to the motion at the December 9, 1996, hearing. (SA. 23641.) We discern no due process violation.

As to the judgment on the amount of reimbursement, Fiore asserts that "clean up recovery costs of $144,349.94 are unwarranted." (Informal Br. 10.) He contends that he "was never given the opportunity to refute the costs or the calculation of the recoverable expenses," and he claims that the "cost assessment was unreasonable." (Id.) These bald assertions find no support in the record. The government

served Fiore with its motion for summary judgment, including its properly supported documentation of the response costs. The record reflects that the government excluded its "oversight" costs from the calculation. Fiore filed no opposition to the summary judgment motion, and he submitted no evidence to create a triable issue of fact as to the extent of his liability. In addition, notwithstanding Fiore's failure to submit any evidence, the District Court held a hearing on the summary judgment motion by telephone. On this record, there is no support for Fiore's contention that he was deprived an opportunity to challenge the government's evidence, and because Fiore presented no evidence to dispute the government's proof of its response costs, summary judgment was appropriately entered.

For the foregoing reasons, we will affirm the District Court's judgment.

[1] Like the government, we do not read Fiore's pro se appellate brief, even under a liberal construction, as raising any challenge to the judgment holding him liable for the response costs. In any event, based on our review of the record, we see no basis for such a challenge. The government properly established that (1) Fiore is a responsible party; (2) that hazardous substances were disposed of at his facility; (3) that there has been a "release" or "threatened" release of hazardous substances from the facility into the environment; and (4) that the release or threatened release has required and will require the government to incur "response costs." See 42 U.S.C. § 9607(a); United States v. CDMG Real Co., 96 F.3d 706, 712 (3d Cir. 1996).

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	CA. 95-1590
v.	)	
	)	
AMERICAN RECOVERY CO., ET AL	)	
	)	
	)	
	)	

ORDER

AND NOW, this 26th day of October, 1999 because there are no unresolved claims for the Court to consider in the above captioned case,

IT IS ORDERED that the Clerk of Court mark this case as closed.

Robert J. Cindrion

_____/s/_____

U.S. District Judge

cc: All counsel of record
JMB